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January 17, 2019

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Castillo Marcelino et al. v. 374 Food, Inc., et al.,  
16 Civ. 6287 (KPF)

Your Honor:

I am an attorney with the office of Michael Faillace & Associates, attorneys for Plaintiff in the above-referenced matter. Plaintiff writes in response to Defendants' letter dated January 15, 2018. Defendants' submission appears to be an informational letter to the Court concerning the possibility of Defendants making a Rule 60(b)(3) motion when judgment is rendered and the potential outcomes of such a motion. Plaintiff disagrees with Defendants' arguments and the relevance of a memorandum of law filed by different attorneys in a motion that remains pending before a different district judge in a different case. Nevertheless, in the interest of avoiding piecemeal briefing and in light of Your Honor's previous orders concerning briefing in this matter, Plaintiff will await Your Honor's direction on briefing these issues. Plaintiff reserves their right to oppose any motion filed by Defendants.

Plaintiff thanks the Court for its time and attention to this matter.

Respectfully Submitted,

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/s/  
Shawn Clark  
Michael Faillace & Associates, P.C.  
*Attorneys for Plaintiff*

cc: (By ECF)  
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